

DOCKET NO. D-2006-19-1

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Caesars d.b.a. Cove Haven Inc.
Brookdale on the Lake WWTP Discharge
Pocono Township, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Cove Haven Inc. (d.b.a. Caesars) on May 26, 2006 for review of an existing wastewater treatment plant (Application). The project was approved by the Pennsylvania Department of Environmental Protection by National Pollutant Discharge Elimination System (NPDES) Permit No. PA0061921 on April 21, 2003.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on September 27, 2006.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to approve an existing 84,000 gallon per day wastewater treatment plant discharge from Outfall 001.
2. **Location.** The project discharges treated wastewater from Outfall 001 to Brookdale Lake, which discharges to Scot Run. Scot Run is a tributary to Pocono Creek, which is a tributary to the Brodhead Creek. The discharge is located in the drainage area to the Middle Delaware Special Protection Waters on a tributary to the Delaware River at River Mile 213 -3.9 – 0.9 – 11.4 – 2.85 – 0.15 (Delaware River, Brodhead Creek, McMichael Creek, Pocono Creek, Scot Run, Brookdale Lake).

The project outfall is located in the Pocono Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
DSN002A	41 ° 05' 06"	75 ° 20' 22"

3. **Area Served.** Caesars operates a wastewater treatment plant that serves the Brookdale on the Lake Resort. The facility discharges treated wastewater to Brookdale Lake. For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the Decision section of this docket.

4. Physical features.

a. Design criteria. The source of discharge is domestic sanitary wastes from the docket holder's all-season resort complex.

b. Facilities. The Caesars Brookdale secondary WWTP is located in Pocono Township, Monroe County, Pennsylvania. The resort has three pumping stations throughout the resort property, and the WWTP consists of a 30,000 gallon equalization tank, two 25,000 gallon extended aeration tanks, two clarifiers, sand filtration, ultraviolet disinfection, and a post aeration tank.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The Caesars Brookdale WWTP does not have an emergency power supply. The docket holder shall provide emergency power within 6 months of docket approval.

The docket holder's wastewater treatment facility is not staffed 24 hours per day, and shall provide a remote alarm system that continuously monitors plant operations within 6 months of docket approval.

The docket holder's existing wastewater treatment facility has not prepared and implemented an emergency management plan suitable to Commission standards. The EMP will be developed and submitted to the DRBC within 6 months of the docket approval. Upon approval of the EMP, the docket holder shall implement the plan.

The docket holder's existing wastewater treatment facility is not required to provide "Best Demonstrable Technology" (BDT) as a minimum level of treatment.

Wasted sludge will be hauled off-site by a licensed hauler for deposit at a (State-approved) facility.

The project facilities are above the 100-year flood zone.

c. Water withdrawals. The potable water supply in the project service area is provided by an onsite well.

d. NPDES Permit / DRBC Docket. The PADEP issued NPDES Permit No. PA0061921 on April 21, 2003 which includes final effluent limitations for the project discharge of 0.084 mgd to surface waters classified by the PADEP as HQ-CWF (High Quality – Cold Water Fishery). The following average monthly effluent limits are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A1: DRBC Parameters Included in NPDES permit No. PA0061921 for Outfall 001

OUTFALL DSN001		
PARAMETER	LIMIT	MONITORING
CBOD5	10.0 mg/l (85% Removal*)	As required in the NPDES permit
Total Suspended Solids	30.0 mg/l (85% Removal*)	As required in the NPDES permit
Ammonia – N (summer)	3.0 mg/l	As required in the NPDES permit
Ammonia – N (winter)	6.0 mg/l	As required in the NPDES permit
Fecal Coliform	200/100 ml as geometric average	As required in the NPDES permit
pH (Standard Units)	6 to 9 at all times	As required in the NPDES permit
Dissolved Oxygen	Minimum of 7.0 mg/l	As required in the NPDES permit

* DRBC Requirement

EFFLUENT TABLE A2: DRBC Parameters to be monitored for Outfall 001

OUTFALL DSN001		
PARAMETER	LIMIT	MONITORING
Total Phosphorous *	Monitor & Report Only *	One per quarter
Nitrate – Nitrite – N *	Monitor & Report Only *	One per quarter
Total Dissolved Solids *	1,000 mg/l *	One per quarter

* DRBC Requirement

- e. Cost.** There is no cost associated with this project.

B. FINDINGS

The docket holder operates an all-season resort based around Lake Brookdale. The docket holder has discharged treated sanitary wastewater to Lake Brookdale for several permit cycles. The residence time of Lake Brookdale is less than 14 days. Previous NPDES permits have lowered the bacterial limit. The WWTP utilizes UV disinfection.

DRBC recently conducted an analysis of the Brodhead Creek Watershed. The Commission did a water quality modeling exercise that predicted the impacts to Existing Water Quality (EWQ) at the Brodhead Creek / Delaware Water Gap National Recreation Area (DWGNRA) Boundary Control Point (BCP) as all of the permitted watershed WWTPs reached their permit limits. This analysis resulted in identifying several existing WWTPs that did not have DRBC approval. Those WWTPs were sent notices and application packages, requiring them to apply for Section 3.8 approval of their existing wastewater discharges. The docket holder was identified as one of the watershed WWTPs without prior DRBC approval.

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC Water Quality Regulations (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Upper/Middle SPW)

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the applicant's service area which is also located within the drainage area of Special Protection Waters. The service area of the docket holder is located within in the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities or service area (i.e., there aren't any new or increased non-point source loads associated with this approval), the non-point source pollution control plan requirement is not applicable at this time. Accordingly, Special Condition II.n. has been included in the Decision section of this docket.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the *Water Quality Regulations* of the DRBC.

Approximately 7 miles downstream of the project site, the USGS Gauge No. 01441495 at Pocono Creek and Wigwam Run near Stroudsburg, PA has an estimated seven-day low flow with a recurrence interval of ten years of 7.1 mgd (11 cfs). The ratio of this low flow to the average design wastewater discharge (0.084 mgd / 0.13 cfs) from the facility is 85:1.

The nearest surface water intake of record for public water supply downstream of the project discharge is the City of Easton's surface water intake on the Delaware River, located approximately 47 miles downstream. The Brodhead Creek Regional Authority's intake on the Brodhead Creek is located upstream of the confluence of the McMichael and Brodhead Creeks.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2006-19 CP-1 below, the project and appurtenant facilities as described in the Section A of this docket entitled “Physical features” above are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. Commission approval of this docket is contingent on the PADEP’s approval of the NPDES permit.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in the Section A.4.d. of this docket. Monitoring data should be submitted to both the PADEP and DRBC (Project Review Branch).

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

i. The docket holder is permitted to treat and discharge the categories of wastewaters defined in the “Area Served” section of this docket.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

l. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

m. In 1992, this portion of the Delaware River and its tributaries was classified as Special Protection Waters. The docket holder will provide assurance to the Executive Director that it is in compliance with Article 3.10.3.2.A.d.1), 2) and 4) of the DRBC *Water Quality Regulations*.

n. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSP.

o. The docket holder shall provide for emergency power, install remote alarm controls and prepare an emergency management plan (EMP) within 6 months of docket approval. The docket holder shall submit the EMP and certify in writing to the Commission that it has complied with this condition by March 27, 2007.

p. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

q. The Executive Director may modify or suspend this approval, or require mitigating measures, pending additional review.

r. In accordance with Articles 5 and 6 of the *Rules of Practice and Procedure*, the docket holder has the right to appeal or otherwise contest any request made or actions taken by the Executive Director or the Commission pursuant to this docket.

BY THE COMMISSION

DATE APPROVED: September 27, 2006

EXPIRATION DATE: September 27, 2008